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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.20358 of 2022

Kutty Puli @ Arun,

... Petitioner/Accused No.5

Vs

State Rep.by
The Inspector of Police,
Tamil University Police Station,
Thanjavur
(Crime No. 683 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Vinothkumar B, Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.683 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A5, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 341, 342 and 307 IPC, in Cr.No.683 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that due to wordy quarrel in the street, the petitioner and other accused have attacked the defacto complainant with aruval and caused injuries in hand and head and also abused him in filthy language. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the co-accused were already arrested and released on bail. Hence, he prays for anticipatory bail.

<https://www.mca.gov.in/>



4.The learned Government Advocate(Crl.Side) would submit that it is a wordy quarrel between the parties and that the petitioner and other accused have attacked the defacto complainant and caused grievous injuries. He would further submit that the injured was discharged from the hospital and the co-accused have already been released on bail. He would further submit that the petitioner herein is having one previous cases and four witnesses have been examined in this case. Hence, he prayed for dismissal of this petition.

5.Considering the facts and circumstances of the case and also considering the fact that the injured was already discharged from the hospital and also the facts that the co-accused have already been released on bail and four witnesses have been examined sofar, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Thanjavur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am until further orders.

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;



(f)if the accused thereafter absconds, a fresh FIF registered under Section 229-A IPC.

sd/-
17/11/2022

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
THANJAVUR.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
TAMIL UNIVERSITY POLICE STATION,
THANJAVUR
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.B.VINOTHKUMAR, Advocate (SR-13262[I] dated 18/11/2022)

ORDER
IN
CRL OP(MD) No.20358 of 2022
Date :17/11/2022

PKP/BUC/SAR /24.11.2022/3P/6C